AAC | Accessibility Advisory Council

Recommendations for an Accessibility Standard for Information and Communications for the Minister of Families

September 18, 2020

Table of Contents

AAC | Accessibility Advisory Council

The Accessibility Advisory Council of Manitoba (Council) is pleased to provide the Honourable Heather Stefanson, Minister of Families, its report and recommendations for an Accessibility Standard for Information and Communications as set out in Section 9(1) of The Accessibility for Manitobans Act (AMA).

The first part of the report introduces the AMA and the process the Council followed to develop its proposed standard. It also provides the context and introductory remarks regarding the content of the standard. The body of the report sets out the Council's recommendations for a standard that will effectively address accessibility in information and communications.

The Council extends its gratitude to Lisa Snider, Chairperson, and the members of the [Standard Development Committee on Information and Communications](#) for providing the expertise that set the foundation for the Council's work. In addition, the Council thanks the Disabilities Issues Office for its ongoing support.

Finally, the Council would like to thank Minister Stefanson for the opportunity to serve the government with this important initiative. We look forward to further discussion regarding any clarification required or amendments proposed by the government.

AAC | Accessibility Advisory Council

1. Introduction

The AMA received Royal Assent and became law on December 5, 2013. The purpose of the legislation is to provide a clear and proactive process for the identification, prevention and removal of barriers that affect full participation of Manitobans, including the one in four who has a disability[1]. Accessibility standards under the AMA are laws that Manitoba businesses and organizations with one or more employees must follow.

The AMA directs the Council, comprised of members are individuals with disabilities and representatives of stakeholder organizations, to make recommendations to government for the introduction of accessibility standards.

Prior to this proposal for an information and communications accessibility standard, Council assisted government in enacting the customer service and employment accessibility standards. The Council will submit two more reports to government in the coming months, with recommendations for accessible transportation and the design of public spaces.

2. Meaning and Value of Information and Communications

In its recommendations for a standard affecting information and communications, Council applied the following definitions:

- "information" is knowledge, data and facts that convey meaning

- "communication" is the interaction between two or more people to transfer information

- "Information and Communications Technology" (ICT) is the use of telecommunications, computers, and software that helps users access, store, transfer and manipulate information

---

[1] Statistics Canada, 2017

AAC | Accessibility Advisory Council

Information and communication happens in a variety of ways, or "formats", including speech, written text, recorded audio, images, or digital information made available through ICT.

Technology has revolutionized access to information and communication for people with disabilities. A few examples of how technology has broken down communication barriers include the accessibility features of cellphones that translate text to voice, live captioning on videos, and software that reads aloud the text on a computer screen or recreates in print the words that are spoken.

However, technology has also created many new unintended barriers. One example is customer service that requires the client to complete an online, time-sensitive form, with no alternatives for individuals who require more time, whose disability-related software cannot read the form, or who simply cannot access a computer.

Individuals preparing their communications do not intentionally omit people with disabilities from their readership or audience. In most cases, they are not aware, for example, that by simply adjusting font size and increasing the colour contrast and spacing, the document will be more readable for anyone, and especially for people who have low vision or are colour blind.

Many people who spend their day at a computer do not know about accessibility features that will create captions to describe images, or that by applying "Headings" a reader can search or jump from one section of a document to another. While the latter function is critical for a person who uses voice software to navigate a document, it is great feature for everyone.

Self-serve kiosks are an example of machines replacing humans with computerized information and communication. Increasingly stores, financial institutions, cinemas, airports and others encourage customers to serve themselves. These new technologies create efficiency for some clients, but pose new accessibility challenges for others.

3. The Process

AAC | Accessibility Advisory Council

In May 2017, Honourable Minister Scott Fielding, former Minister responsible for the AMA, established the Terms of Reference for an information and communications accessibility standard. The Minister requested that the standard establish policies, practices and other requirements needed to identify and remove barriers affecting information and communications, including:

- providing accessible formats upon request
- providing communication supports upon request
- creating and offering accessible web content

The Council created a committee of experts to assist in the development of this accessibility standard. The research and recommendations of the Standard Development Committee on Information and Communications laid the groundwork for further discussion by the Council members, who represent a variety of organizations from the public and private sectors, including people with disabilities. Like the committee, the Council was challenged to consider how to develop regulations that specify "who has to do what by when" in a climate of rapidly evolving ICT.

As with the development of previous standards, Council turned to the experience and model from the Ontario government, which had introduced a regulation affecting accessible information and communications in June 2011. Council was aware that Ontario was in the process of reviewing its standard, but until July 2019, it only had the original standard as a guide. When the Council was finally able to compare its proposed standard with the recommendations of the Ontario Information and Communications Standard Review Committee, Council was generally satisfied it had found the right balance between being future-oriented in its made-in-Manitoba approach, while also considerate of the benefits of harmonization between the provinces. This is especially important for organizations that operate across jurisdictions.

Council used the opportunity of public consultation, mandated by the AMA, to seek input on its draft recommendations from a wide range of stakeholders. Council launched the Discussion Paper on the Accessibility Advisory Council's Recommendations for an Information and Communications Accessibility Standard on May 1, 2019. On behalf of

AAC | Accessibility Advisory Council

Council, the Disabilities Issues Office (DIO) posted the document on AccessibiliyMB.ca, and shared it with the approximately 800 subscribers of "Accessibility News." The DIO also emailed the document to approximately 3,700 organizations and businesses, many that agreed to announce the consultation to their members.

On May 14, 2019, the Council hosted a half-day public consultation. Approximately 100 people attended the event, with several dozen more participating via webcast. Council subsequently responded to requests to view the standard development committee's report by emailing it to all registrants of the public forum.

Since the June 30th deadline for submissions, Council has used the feedback to re-examine its initial recommendations. Council sincerely appreciates the wide range of comments from individuals and organizations. The list includes public sector organizations, such as Crown Corporations, universities and school divisions, the Workers Compensation Board, businesses and community groups, including Barrier-Free Manitoba.

In addition to commenting on the content of the standard, a number of submissions requested more tools and resources to help with implementation, or identified overall cost as a barrier, especially for small organizations that would have requirements under this standard. Several organizations asked government to introduce grants or other financial incentives to update technology, website content and training to support accessible information and communications. Council strongly endorses these requests.

4. The Standard

AAC | Accessibility Advisory Council

The proposed Accessibility Standard for Information and Communications complements the previous standards affecting customer service and employment. The former calls on service providers to communicate in a way that meets customers' needs. The latter requires employers to provide reasonable accommodations in all areas of employment, beginning with workplace emergency preparedness. Accessible information and communication is integral to fulfilling both of these standards.

In order to "be specific enough that one can determine when the requirements have been met," as per the Terms of Reference, the recommendations call for accessibility criteria that are based on existing national and international standards affecting ICT. Section 7 of the standard specifies WCAG 2.1 Level AA and the Canadian Standards Association's Accessible Design for Self-Service Interactive Devices for Kiosks CAN/CSA-B651.2-07 (R2017). In this way, organizations will find the directions and tools they require, whether they are writing a document, developing a website or introducing a kiosk.

Council recognizes that technologies in use today may evolve or be replaced in years to come. It therefore recommends a general consideration that organizations offer functional alternatives to the ways users can access information and communications.

The Council recommends future consultation with affected stakeholders to determine how best to regulate use of American Sign Language. Council also encourages the Manitoba government to provide up-to-date guidance to organizations by providing free consultation, tools and resources to support accessible information and communications.

5. The Proposed Accessible Information and Communications Standard

INTRODUCTORY PROVISIONS

AAC | **Accessibility** Advisory Council

1. Definitions, Categories and Exceptions

1.1   Definitions:

"**information**" includes data, facts and knowledge that exists in any format, including, but not limited to, text, audio, digital and/or images, which conveys meaning, and includes, but is not limited to, in person, conventional print and digital communications and technologies;

"**communications**" incudes the imparting or exchanging of information by speaking, writing, and/or using some other medium and/or mechanisms, including but not limited to in person, conventional print, and digital information and technologies;

"**accessible procurement**" is the process of including accessibility criterion into policies and practices, when finding and purchasing information and communications, which may include tools and technologies, from an external source. This includes, but is not limited to, in person, conventional print and/or digital;

"**authoring**" (as related to Information and Communications Technology) includes the tools and technologies used in creating and/or modifying information and communications and that affect accessibility, such as computer software, website content management systems, or self-service kiosks. Authors are the people who use authoring tools to create, design, or modify computer programs or websites, such as website designers;

"**accessible formats**" may include, but are not limited to, large print, recorded audio and electronic formats, Braille and other formats usable by persons with disabilities;

"**communication supports**" may include, but are not limited to, captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications;

1.2 The standard refers to different categories of information, as follows:

New and Updated Information and Communications

AAC | Accessibility Advisory Council

Information and communications authored, created, updated for ongoing application, provided and/or received after the standard comes into force.

Pre-existing Information and Communications
Information and communications authored, created, provided and/or received before the standard comes into force that remain current and continue to be regularly used and maintained.

Legacy, Unused and/or Archived Information and Communications
Information and communications authored, created, provided and/or received before the standard comes into force that are no longer used or accessed on a regular basis, or are permanently kept in archives for their historic or legal value.

1.3 Exceptions

The proposed requirements for an Accessibility Standard for Information and Communications do not apply to the following:

a. Information that cannot be reasonably converted into an accessible format. For example, in a document containing complex charts, it may be possible to convert the text in the document, but for technical reasons, it may not be possible to convert the information in the charts.

   In this situation, the organization must explain to the person requesting the information, why they cannot convert the information into an accessible format. The organization must also provide – to the extent possible – a summary of the information that could not be converted.

b. Information that an organization may be sharing on behalf of another organization. For example, a convention centre may offer brochures about local hotels, restaurants and attractions. The convention centre would not have direct or indirect control of this information, so it would not be required to provide that information in an accessible format.

AAC | Accessibility Advisory Council

c. Product labels or other information found on products that the vendor has no control over, for example, packaging labels. However, the vendor should provide accessible product related information where possible. For example, a pharmacist may print or send electronic information to explain the use and potential side effects of medicine.

> Comment: The proposed standard does not address product labeling, because it is not a matter of provincial jurisdiction.

2. Scope and Interpretation

For the purpose of this regulation, accessible information and communications (IC) are authored, created, provided and/or received when all persons who are reasonably expected to seek to obtain, use, or benefit from information and communications, have a similar opportunity to seek to obtain, use, or benefit from the information or communications.

3. Schedule

Once the standard comes into force, obligations will be phased in over four years affecting the Manitoba government, public sector and all other organizations, including business, non-profits and municipalities, as follows:

Type	Manitoba Government	Public Sector except small municipalities	All other organizations
Obligation to introduce policies, procedures, feedback and training	After one year	After two years	After three years
New and Updated Information and Communications,	After two years	After three years	After four years

AAC | Accessibility Advisory Council

Type	Manitoba Government	Public Sector except small municipalities	All other organizations
must be made accessible, including self-serve devices			
Emergency Procedures Plans and/or Public Safety Information	After two years	After three years	After four years
Pre-existing Information and Communications	After four years	After five years	Upon request
Legacy, Unused and/or Archived Information and Communications	Upon request	Upon request	Upon request

MEASURES, POLICIES AND PRACTICES

4. Barrier-Free Access to Information and Communications

Every obligated organization's actions must be consistent with the purposes and principles of the Act and its obligations, including the obligation to make reasonable accommodations under The Human Rights Code.

4.1 Every obligated organization must establish and implement measures, policies and practices respecting barrier-free access to information and communications it provides.

   a. This applies to all information and communications an organization controls directly, and/or through a contractual relationship that allows for modification of the information and communications,

AAC | Accessibility Advisory Council

whether free or paid, no matter where their web servers are located.

b. This applies to information and communications related tools and technologies (ICT) that an organization procures and/or purchases.

Comment: Ontario's Integrated Accessibility Standard, 2016, includes procurement in its "General Standard Requirements." Procurement is also an area of standard development by the Government of Canada. Council believes it is especially important that organizations be guided in procuring products and services that meet this standard's accessibility criteria.

In establishing, updating and implementing its measures, policies and practices, as per section 7:

4.2 Every obligated organization must identify and remove barriers in New and Updated Information and Communications, so that all persons can reasonably expect to seek to obtain, use, or benefit from the information and communications authored, created, provided, and/or received after the obligation timeline and in an active state.

4.3 Manitoba government and public sector organizations must also identify and remove barriers in Pre-existing Information and Communications authored, created, provided, and/or received before the obligation timeline, but still regularly used and maintained.

4.4 All other organizations, including businesses, non-profit organizations and smaller municipalities, must make Pre-existing Information and Communications accessible when persons who are disabled by a barrier request access in an alternate format.

4.5 Legacy, Unused and/or Archived Information and Communications must only to be made accessible when persons who are disabled by a barrier request access in a different manner.

5. Emergency Procedures, Plans and/or Public Safety Information

Every organization that has emergency procedures, plans and/or public safety information must make them accessible as outlined in section 7, so

AAC | Accessibility Advisory Council

that all persons reasonably expect to seek to obtain, use or benefit from the emergency procedures, plans and/or public safety information can do so.

5.1 A person who is disabled by a barrier may request access in an accessible format, as per section 8.

5.2   Obligated organizations must meet the staggered deadlines set out in section 3.

6. Feedback Re: Accessible Information and Communications

An obligated organization must ensure that it provides accessible processes for receiving and responding to feedback about the accessibility of its information and communications, as per section 7.

6.1 A person who is disabled by a barrier may request access in an accessible format, as per section 8.

6.2 The organization must document its resulting actions, and make that documentation available on request.

7. Specific and General Guidelines

In its measures, policies and practices, under section 4, an obligated organization must ensure that it provides accessible information and communications in the following ways:

7.1   Accessible Websites and Web Content

Obligated organizations must create accessibility to the content and functionality of their websites and mobile applications that run from a website or run as a standalone device, but rely on the internet for function, by applying the following principles of the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG):

- **Perceivable:**   Available to the senses (vision and hearing primarily) either through the browser or through assistive technologies (e.g. screen readers, screen enlargers, etc.).

AAC | Accessibility Advisory Council

- **Operable**: Users can interact with all controls and interactive elements using either the mouse, keyboard, or an assistive device.

- **Understandable**: Content provides a message clearly, in plain language, helps users avoid making mistakes.

- **Robust**: A wide range of technologies (including old and new user agents and assistive technologies) can access the content.

Obligated organizations must meet WCAG 2.1 Level AA criteria, including websites, web content and web-based applications that an organization controls directly or through a contractual relationship that allows for modification of the product as phased in once the standard has come into force:

a. Manitoba government must meet WCAG 2.1 Level AA:
   - New and Updated Information and Communications two years after the standard comes into force.

   - Pre-existing Information and Communications three years after the standard comes into force with the exception of criteria 1.2.4 Captions and 1.2.5 Audio Descriptions.

b. Public Sector organizations, including large municipalities, must meet WCAG 2.1 Level AA:
   - New and Updated Information and Communications three years after the standard comes into force.

   - Pre-existing Information and Communications four years after the standard comes into force, with the exception of criteria 1.2.4 Captions and 1.2.5 Audio Descriptions.

c. All other obligated organizations, including business, non-profits and small municipalities must meet WCAG 2.1 Level AA:

   - New and Updated Information and Communications four years after the standard comes into force.

AAC | **Accessibility** Advisory Council

- Pre-existing Information and Communications must be made available in an accessible format upon request by a person disabled by a barrier, as per section 8.

WCAG guidelines are the basis of most accessibility laws around the world. The goal is to ensure all users have equal access to information and functionality, including people affected by blindness and low vision, deafness and hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity and combinations of these.

Comment: When Ontario introduced its Information and Communications Standard in 2016, it applied the then current WCAG 2.0 Level AA accessibility criteria. With an aim to reflect and integrate new web-based technology, such as mobile applications, Council chose to apply the updated WCAG 2.1 Level AA. Ontario also chose to exempt organizations with fewer than 50 employees from meeting the standard, whereas Council believes all Manitoba organizations should create accessible information and communications going forward. Nonetheless, Council is concerned about the financial impact on business of meeting the criteria, particularly 1.2.4 Captions and 1.2.5 Audio Descriptions.

7.2 Self-Service Interactive Devices

Obligated organizations must ensure accessibility for all users when designing, procuring or acquiring self-service interactive devices by meeting the CAN/CSA-B651.2-07 (R2017) Accessible Design for Self-Service Interactive Devices. The phased application of this obligation is set out in section 3.

The Canadian Standards Association (CSA) defines a self-service interactive device as: "a device, whether electronic or mechanical, that requires user input and provides physical or electronic output." Self-service devices are also called kiosks. As examples, self-service kiosks are used by financial institutions, for parking payment, ticket sales, and grocery checkout.

Comment: Ontario's Integrated Accessibility Standard, 2016, includes self-service kiosks in its General Standard Requirements without setting specific

AAC | Accessibility Advisory Council

criteria. Council believes kiosks are the potential source of significant new information and communications barriers, and defers to the CSA to clarify how to make a kiosk accessible.

7.3   General Considerations

Obligated organizations must aim to create accessibility to ICT that is not specified in this standard, and could consider Functional Accessibility Requirements (FAR) as a guideline to enable people to locate, identify, and operate ICT functions, and to access the information provided.
FAR offers general alternatives to addressing potential barriers to ICT, for instance new forms of artificial intelligence, including but not limited to the following ways:

- **Vision**: by allowing adjustment to size, format, colour and use of voice software;

- **Hearing**:   by offering alternative communication through captions (representation of image with words), by allowing adjustment in volume and background noise, using images or offering sign language;

- **Speech**: by offering alternatives to voice, for example responding by text or with a support person;

- **Physical access, strength and manual dexterity**: by locating ICT in an accessible space and at an accessible height and by offering alternative ways of operating technology; and,

- **Extended focus, memorization or abstract thinking**: by offering information in plain language, without time limits or demanding an ability to sequence steps to engage with ICT, and by offering a simple way to correct or undo mistakes.

Comment: The Standard Development Committee for Information and Communications recommended to Council that FAR be applied as the guide

AAC | Accessibility Advisory Council

to create accessible information and communications. Whereas Council agrees FAR responds to the unpredictability of future technologies, it believes FAR does not meet the requirement of the Terms of Reference, and of regulations generally, "to be specific enough that one can determine when the requirements have been met." For this reason, the proposed standard applies related existing national and international criteria, but acknowledges FAR as a general guideline when no relevant criteria exists.

8. Accessible Formats and Communication Supports

Obligated organizations must provide an opportunity to individuals affected by barriers to ICT to request accessible formats and communication supports not generally available

a. in a mutually agreed upon timely manner that takes into account the person's accessibility needs due to disability; and,

b. at a cost that is no more than the regular cost charged to other persons.

8.1 The obligated organization must consult with the person making the request and gain agreement in determining the suitability of an accessible format or communication support.

8.2 The obligated organization must notify the public about the availability of accessible formats and communication supports.

9. Training

An organization must ensure that training about accessible information and communications is, or has been, provided to the following persons:

a. A person who provides information and communications directly to the public, employees, agents and volunteers, or to another organization in Manitoba on behalf of the organization,

b. A person who is responsible for the purchasing or procurement of information and communications, and/or information and communications related tools and technologies, for an organization, and

AAC | Accessibility Advisory Council

c. Any person who participates in, or is responsible for, the development or implementation of the organization's measures, policies and practices under section 4.

9.1 The training must include instruction on how to identify, prevent and remove barriers that disable people when the organization is authoring, creating, providing and/or receiving information and communications.

9.2 An organization must ensure that:

a. Training is provided to a person as soon as reasonably practicable,

b. On-going training is provided in connection with changes to the organization's measures, policies and practices respecting providing barrier-free access to information and communications that it provides.

Comment: Ontario's Integrated Accessibility Standard, 2016, includes training in its general standard requirements, but not specifically related to information and communications. Council agrees with consultation feedback that without training, stakeholders will not know how to make their information and communications accessible.

10. Documentation Re: Measures, Policies and Practices

Subject to section 4, Manitoba government, public sector organizations (with the exception of small municipalities) and businesses and non-profit organizations with more than 50 employees must:

a. Document their measures, policies and practices;

b. Provide a copy of the documentation on request; and,

c. Notify the public that the documentation is available on request.

11. Educational and Training Resources and Materials

AAC | Accessibility Advisory Council

Organizations that are school boards or educational or training institutions have additional requirements to meet the accessibility needs of their learners.

11.1 In the following sections, an educational or training institution is considered an obligated organization if it falls into one of the following categories:

   a. A school division or a school district established under the Public Schools Act

   b. A private school as defined in section 1 of The Education Administration Act

   c. An educational institution as defined in section 1 of The Advanced Education Administration Act

   d. A private vocational institution registered under The Private Vocational Institutions Act

11.2 Educational or training institutions must provide educational or training resources or materials in a format that meets the accessibility needs of the learners by:

   a. Procuring an accessible or conversion ready electronic format, or

   b. Providing a comparable resource in an accessible or conversion ready format, if the educational or training resources or materials cannot be procured, obtained by other means or converted into an accessible format.

11.3 Educational and training institutions must provide student records and information on program requirements, availability and descriptions in an accessible format.

11.4 The deadline for compliance by large obligated organizations, with 50 or more employees, is two years after the standard comes into force.

   The deadline for compliance of small obligated organizations, with fewer than 50 employees, is three years after the standard comes into force.

AAC | Accessibility Advisory Council

12. Training to Educators

School boards or educational or training institutions must provide educators with accessibility awareness training related to accessible program or course delivery and instruction.

12.1 Obligated organizations must keep a record of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided.

12.2 The deadline for compliance of large obligated organizations, with 50 or more employees, is two years after the standard comes into force.

The deadline for compliance of small obligated organizations, with fewer than 50 employees, is three years after the standard comes into force.

13. Producers of Educational or Training Material

Manitoba producers of educational or training textbooks for educational or training institutions must make these accessible upon request.

13.1 Every obligated organization that is a producer of print-based educational or training supplementary learning resources for educational or training institutions shall, upon request, make accessible or conversion ready versions of the printed materials available to the institutions.

13.2 The deadline to make conversion ready versions of textbooks available is two years after the standard comes into force.

The deadline to make conversion ready versions of printed materials that are educational or training supplementary learning resources is three years after the standard comes into force.

14. Libraries of Educational and Training Institutions

Libraries of educational and training institutions that are obligated organizations must provide, procure or acquire by other means an accessible or conversion ready format or print, digital or multimedia resources or materials for a person with a disability, upon request.

14.1 Special collections, archival materials, rare books and donations are exempt from the requirements of section 13.

14.2 The deadline to make accessible formats of print-based resources or materials available is two years after the standard comes into force, and the deadline to make accessible formats of digital or multi-media resources or materials available is three years after the standard comes into force.

15. Public Libraries

The Public Libraries Act requires Manitoba's library boards to provide access to, or arrange for access to, accessible materials where they exist. Manitoba's inter-library loan system is designed to allow users to access collections from libraries throughout the province.

15.1 For the purposes of section 14, a library board, as defined in The Public Libraries Act, is an obligated organization.

15.2 In the context of this requirement, "accessible materials" include all works of literary, musical, artistic, dramatic nature, in accessible formats such as, but not limited to, print, electronic, video, DVD, audio, Braille, etc.

15.3 Every library board must provide access to or arrange for the provision of access to accessible materials where they exist.

15.4 When procuring new library materials, library boards are required to consider the accessibility needs of their users.

15.5 Library boards shall make information about the availability of accessible materials publicly available and must provide the information

AAC | Accessibility Advisory Council

in accessible format or with appropriate communication supports, upon request.

15.6 Library boards may provide accessible formats for archival materials, special collections, rare books and donations.

15.7 The deadline for library boards to make accessible formats of print-based resources or materials available is three years after coming into force, and the deadline to make accessible formats of digital or multi-media resources or materials available is four years after the standard comes into force.

Comment: Council debated omitting sections 11-15, as these sectors are included under the other requirements of the standard and are already leaders in providing accessibility in Manitoba. Council reconsidered the removal of these sections upon reading the Ontario's Review of the Information and Communications Standard - 2019 Initial Report and Recommendations, which reinforced the importance of setting accessibility requirements for learning institutions, including libraries.

AAC | Accessibility Advisory Council